

February 12, 2017

Michael E. McKinzy, Sr.
9606 W. 86th St Apt. D
Overland Park, KS 66212

President Donald Trump
1600 Pennsylvania NW, Ave
Washington, D.C. 20500

Re: Missouri Division of Child Support Enforcement (DCSE) Child Support Corruption Collection (CSCC) (Phantom Child Support Arrears Debts)

Dear President Trump,

First congratulation on your election as the 45th President of the United States of America, now that the election is over your work begins. I'm writing you in hope of obtaining your assistance with stopping the State of Missouri from taking over a \$1,000 a month out of my wages for a child support debt that I do not owe.

I was divorced from my first ex-wife on November 8, 2002, we have four children together, and their ages at the time of our divorce were: Michael Jr., 13, Deon 14, Deron 14, and Barbara 16. I have certified Jackson County Circuit Court records of my child support payment history that show as of December 2007, I've had over \$45,000 garnished in wages for child support, and that I owed no arrears.

My I.B.E.W. L.U. 124 retirement accounts, 401K and annuity were both depleted for over \$30,000 in December 2006, to pay for what was deemed past due child support and spousal support.

In May of 2015, I was hired as a maintenance technician for Hillshire Brands in Kansas City., Kansas, I have had over \$20,000 garnished from my wages for child support for my youngest son, Michael Jr., which is the only child named in the withholding order served on my employer.

I hired an attorney in August 2015 that I paid \$3,000 to terminate the child support garnishments. Due to being required to pay an additional \$5,000, I have since terminated her representation in my case that's presently pending in the Circuit Court of Jackson County, Missouri at Kansas City, case No 02-FC200809-04.

I remarried in 2003 and was divorced in 2005. I remarried again on February 15, 2014, my current wife and I want to purchase a home through Neighborhood Assistance Corporation of America (NACA). The Missouri Division Child Support Enforcement (DCSE) has currently filed a past due child support debt in the amount of \$63,000 on my credit report that is preventing us from being able obtain a mortgage loan to purchase a home, despite the fact that I have already paid all of my child support debt.

Please feel free to contact me at (913) 742-3621 or michaelmckinzy@gmail.com, if you are willing to help my wife and I address this matter to finally bring closure and allow us to move forward with our lives.

P.S. I have enclosed a copy of my Proposed Petitioner's Findings of Fact Conclusions of Law and Order

and Judgment that the Court requested I submit after the bench trial that was held on January 9, 2017. I hope it will help you understand the nature of my case and thousands of other Missouri non-custodial parents currently being oppressed by void administrative child support orders issued by the Missouri Family Support Division (FSD) without proper service pursuant to Missouri statutory law.

Sincerely,

Michael E. McKinzy, Sr,

Born to do battle, drafted at birth.a.k.a.Warrior Breed!

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY
FAMILY COURT DIVISION

IN RE THE MARRIAGE OF:)	
)	
MICHAEL MCKINZY,)	
)	Case No. 02FC-200809-04
Petitioner,)	Division 43
)	
and)	
)	
CARLETHA MCKINZY,)	
)	
Respondent.)	
)	

**PETITIONER’S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER
AND JUDGMENT**

This matter came before the court on the 9th day of January, 2017, for final determination on Petitioner’s Motion to Modify and Motion for Declaratory Judgment relief. An evidentiary hearing was held on May 19, 2016. The Court having heard the arguments of the parties, having read the memorandum and case law submitted, having reviewed the evidence adduced and being now fully advised, enters the following Findings of Fact, Conclusions of Law, Order and Judgment.

FINDINGS FACTS, CONCLUSIONS OF LAW

1. On June 24, 2002, Petitioner entered into an Immediate Income Withholding Alternative Arrangement Agreement (Voluntary Support Order) in IV-D case number 40087059 in the amount of \$1,165.00 per month for the support of four children, namely Deon McKinzy, born June 8, 1988; Deron McKinzy born June 8, 1988, Barbara McKinzy born January 6, 1986; and Michael Eugene McKinzy, Jr.

born October 16, 1989; and provided the Missouri Department of Social Services Family Support Division (FSD) with his last known mailing address as being:

“8609 E 87th St. Raytown, MO 64138.”

2. On July 2, 2002, FSD entered an administrative child support order in case number 02MC201872, IV-D case number 40087059, in the amount of \$1,165.00 per month for the support of four children, namely Deon McKinzy, born June 8, 1988; Deron McKinzy born June 8, 1988, Barbara McKinzy born January 6, 1986; and Michael Eugene McKinzy, Jr. born October 16, 1989.
3. Sections 454.470.5, required the FSD to send “a copy of the order by registered or certified mail, return receipt requested, addressed to the parent’s last known address...” § 454.470.5 RSMo, if it is to be enforceable.
4. Satisfying minimum standards of due process... do not obviate the necessity of serving process in the manner prescribed in our statutes and rules.” Acapolon Corp. v. Ralston Purina Co. 827 S.W.2d 189, 196 (Mo. banc. 1992).
5. FSD’s administrative child support order case number 20MC201872, IV-D case number 4087059, order was not properly served by registered or certified mail, return receipt on Petitioner at his last known address, as required by Section 454.470.5, RSMo 2000.
6. FSD’s administrative child support order is therefore “null and void from its inception. Worley v. Worley, 19 S.W. 3 127 (2000)
7. On November 8, 2002, this Court ordered that Petitioner pay the sum of \$1,165 per month as child support pursuant to the Order then currently in place under Case No IV-D 40087059, payable through the Family Support Payment Center, P.O. Box

109002, Jefferson City, MO 65110-9002. Said order shall remain in full force and effect until further order of the Court.

8. On January 4, 2004, Barbara McKinzy became emancipated by operation of law, by virtue of having attained the age of 18, and no exception applied to extend child support under Section 452.340 RSMo. Petitioner's obligation to pay child support for her terminated on January 4, 2004.
9. On June 8, 2006, Deon McKinzy, became emancipated by operation of law, by virtue of having attained the age of 18, and no exception applied to extend child support under Section 452.340 RSMo. Petitioner's obligation to pay child support for him terminated on June 8, 2006.
10. On June 8, 2006, Deron McKinzy, became emancipated by operation of law, by virtue of having attained the age of 18, and no exception applied to extend child support under Section 452.340 RSMo. Petitioner's obligation to pay child support for him terminated on June 8, 2006.
11. On October 16, 2007, Michael Eugene McKinzy, Jr., became emancipated by operation of law, by virtue of having attained the age of 18, and no exception applied to extend child support under Section 452.340 RSMo. Petitioner's obligation to pay child support for him terminated on October 16, 2007.

12. There has been a substantial and continuing changes of circumstances warranting termination of maintenance including but not limited to:
- a. Respondent has demonstrated that she currently has sufficient savings to provide for her reasonable needs.
 - b. Respondent have experienced a substantial and continuing increase in her earning capacity since the entry of the original maintenance order which has given her the ability to support herself through appropriate employment, therefore, the Court ordered maintenance is no longer needed by her to provide for her reasonable needs.
13. Petitioner's duty of Court ordered maintenance to Respondent is terminated retroactive to the date of service in this action.
14. Missouri's child support statutory scheme has a refund of overpaid child support after emancipation of child:

MO.R.STAT. § 452.370(4):

Unless otherwise, agreed in writing or expressly provided in the judgment, provisions for the support of a child are terminated by emancipation of the child. The parent entitled to receive child support shall have the duty to notify the parent obligated to pay support of the child's emancipation and failing to do so, the parent entitled to receive child support shall be liable to the parent obligated to pay support for the child support paid following emancipation of a minor child, plus interest.

15. Respondent failed to discharge her duties to notify Petitioner of the emancipation of each minor child, therefore, she is held liable to Petitioner's for child support paid for each child after their emancipation, plus interest. Rohner v. Long, 57 S.W. 3D 920, 923.

ORDER, JUDGMENT AND DECREE

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT that Petitioner's Motion to Modify and Motion for Declaratory Judgment are GRANTED and it is Ordered that Missouri Department of Social Services Family Support Division (FDS), their respective officers, agents, representatives, employees, and successor, and all other persons in active concert and participation with FDS be and they are hereby permanently RESTRAINED AND ENJOINED from proceeding with any further action to enforce, apply, carry out or give validity to the null and void administrative Order for child support entered under IV-D Case No. 40087059, Court case number: 02MC201872.

IT IS FURTHER ORDERED AND ADJUDGED that Barbara McKinzy, born January 6, 1986, was emancipated on January 6, 2004, by operation of law, by virtue of having attained the age of 18, and no exception applied to extend the child support under § Section 452.340 RSMo.

IT IS FURTHER ORDERED AND ADJUDGED that Deon McKinzy, born June 8, 1988, was emancipated on June 8, 2006, by operation of law, by virtue of having attained the age of 18, and no exception applied to extend the child support under § Section 452.340 RSMo.

IT IS FURTHER ORDERED AND ADJUDGED that Deron McKinzy, born June 8, 1988, was emancipated on June 8, 2006, by operation of law, by virtue of having attained the age of 18, and no exception applied to extend the child support under § Section 452.340 RSMo.

IT IS FURTHER ORDERED AND ADJUDGED that Michael Eugene McKinzy, Jr. born October 16, 1989, was emancipated on October 16, 2007, by operation of law, by virtue of having attained the age of 18, and no exception applied to extend the child support under § Section 452.340 RSMo.

IT IS FURTHER ORDERED AND ADJUDGED Petitioner's Court ordered support in the sum of \$200.00 as and for maintenance to Respondent is hereby terminated retroactively to the date of service of process in this action.

IT IS FURTHER ORDERED AND ADJUDGED that Respondent failed to discharge her duties to notify Petitioner of the emancipation of each minor child,

therefore, she is hereby declared liable to Petitioner's for any and all child support paid for each child after their emancipation, for any non-arrearage amounts received after said emancipation, plus interest.

IT IS FURTHER ORDERED AND ADJUDGED that Petitioner's child support obligation to Respondent is terminated as of the dates of emancipation for each and every child born to the marriage.

IT IS FURTHER ORDERED AND ADJUDGED that Petitioner has satisfied his child support obligation in full for each and every child born to the marriage.

IT IS FURTHER ORDERED AND ADJUDGED that Petitioner owes no past-due child support.

IT IS FURTHER ORDERED AND ADJUDGED that any overpayment of child support shall first be credited to Petitioner's maintenance obligation, all remaining overpaid child support be shall refunded to Petitioner, plus interest pursuant to MO.R.STAT. § 452.370(4).

IT IS FURTHER ORDERED AND ADJUDGED that any and all income-withholding order(s) issued by FDS for child support under Title VI-D Case No. 40087059, Court case number: 02MC201872. are hereby declared null and void retroactively to July 2, 2002, due to failure serve Petitioner pursuant to § 454.470.5 RSMo with its administrative child support order at Petitioner's last known address as given to FDS on June 24, 2002, as being 8609 E. 86th St., Raytown, MO 64138.

IT IS FURTHER ORDERED AND ADJUDGED that the parties are to bear their own costs, expenses and fees, including attorney fees, related to this matter.

Dated this ____ day of January, 2017.

Commissioner David Kimminau

The parties are notified that the foregoing Findings and Recommendations have been entered this date by the Commissioner and all papers relative to this proceedings or case, together with the Findings and Recommendations have been transferred to a Judge of the Court. The Findings and Recommendations shall become the judgment of the Court upon adoption Order of the Judge. The parties are further notified that a motion for re-hearing may be filed within fifteen days after the mailing of the Notice of Filing of Judgment. If a motion for re-hearing is not ruled on within forty-five days after said motion is filed, the motion is overruled for all purposes.

WAIVER OF REHEARING

The parties acknowledge their right to file a Motion for Rehearing and waive said right.

DATE

SIGNATURE- ATTORNEY/PARTY

DATE

SIGNATURE-ATTORNEY/PARTY

**JUDGMENT AND ORDER ADOPTING COMMISSIONER'S
FINDINGS AND RECOMMENDATIONS**

It is hereby ordered that the Findings and Recommendations entered herein are adopted as a judgment of this Court.

Date

Judge

NOTICE OF FILING OF JUDGMENT

I certify that the Notice of Filing of Judgment, along with the Commissioner's Findings and Recommendations, including the notice of rehearing and statement of transfer to a Judge were served via U.S. Mail, postage prepaid and/or hand delivered to the parties on

_____.

Michael E. McKinzy, Sr. Pro se
9606 W 86th St. Apt. D
Overland Park, Kansas 66212
PETITIONER

Sandra Grant Hessenflow, #40346
(Limited Appearance Attorney of Record)
4520 Main, Street, Suite 700
Kansas City, Missouri 64111